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February 1, 2002

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
FEB 4 2 59 PM '02

**Roy Q. Luckett, Esquire**  
OFFICE OF GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION  
999 E. Street, N.W.  
Washington, DC 20463

Re: Harrah's Entertainment, Inc.; Marina Associates;  
Showboat Atlantic City, Inc.; MUR 5020  
Our File No. 48715-03

Dear Mr. Luckett:

Please accept this submission as the initial written response of Mr. Herbert Wolfe to your letter of October 18, 2001 and suggest that Mr. Wolfe be dismissed as a respondent in the above captioned Matter Under Review, MUR 5020. Alternatively, Mr. Wolfe seeks pre-probable cause conciliation under 11 C.F.R. § 111.18(d).

I have learned that your correspondence directed to Ashley N. Bailey, Esquire under date of October 18, 2001, informing her that the Commission found reason to believe that Mr. Wolfe was in violation of 2 U.S.C. § 441(b)(a), got to Ms. Bailey on or about January 5, 2002. Apparently, Ms. Bailey obtained an extension for reply until February 4, 2002 and, thus, this submission is within 30 days of Ms. Bailey's receipt of your October 18, 2001 letter.

Enclosed herein is Mr. Wolfe's Declaration, dated February 1, 2002, in which he describes his involvement in the allegations laid out in your October 18, 2001 letter. Mr. Wolfe's actions described in the Commission's Factual and Legal Analysis were not directed by his employer but, rather, were totally voluntary. Mr. Wolfe agreed to seek voluntary contribution to the Gormley For Senate Committee and believed that his activities were proper and permissible. We believe that the statements of the other respondents support those beliefs and actions and, accordingly, we would respectfully submit that Mr. Wolfe should be dismissed as a respondent in this proceeding.

FORMED IN THE COMMONWEALTH OF PENNSYLVANIA

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Should the Commission conclude that Mr. Wolfe's corporate employer facilitated, or in some fashion participated in, the obtaining of contributions to State Senator Gormley's campaign committee, we respectfully assert the individuals who were spoken to by Mr. Wolfe fell into the restricted class of Mr. Wolfe's employer and that those actions were lawful and in accord with 2 U.S.C. § 441(b)(2)(A). We would also respectfully maintain that any potential violation would be certainly unintentional and, if a violation, would be de minimis at most.

Mr. Wolfe has joined with other respondents in the submission of respondents Harrah's Entertainment, Inc., Marina Associates, Showboat Atlantic City, Inc. and David Jonas, to jointly respond to the Commission's reason to believe findings and seeks pre-probable cause conciliation. Attached hereto is a copy of Mr. Wolfe's Declaration in support of the above-referenced joint submission. I also enclose herein Mr. Wolfe's Statement of Designation of Counsel.

Thank you for your anticipated cooperation and consideration in this matter. We await the determination of our requests in this matter.

Very truly yours,

FOX ROTHSCILD, O'BRIEN &  
FRANKEL, LLP

  
Jack Gorny

JG/lmp

Enclosures

cc: John Miles, Esquire  
David Overlock Stewart, Esquire  
Ashley N. Bailey, Esquire

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:                    )  
  ) MUR 5020  
  )

**DECLARATION OF HERBERT WOLFE**

1. My name is Herbert Wolfe. From 1994 until 2001, I managed Atlantic City Showboat, Inc., which operates a casino in Atlantic City, New Jersey.

2. In or about February 2000, State Sen. William Gormley called me and asked me to raise funds for his campaign for U.S. Senate. I have known Sen. Gormley for some time to be an able public official and representative of this community. I agreed to Sen. Gormley's request. I did not undertake this fundraising effort on behalf of Showboat, nor did I intend my efforts to constitute a corporate activity.

3. Shortly thereafter, I informed a number of my colleagues in Showboat's senior management that I intended to make a donation to the Gormley campaign. I invited them to do the same, but only on a voluntary basis and there was no expectation or obligation of any kind to make any contribution. I told interested persons that, if they wished to do so, they could leave donations in my office. I did not provide envelopes or postage stamps to my colleagues, but did provide them with the campaign committee's address.

4. I was careful to inform my colleagues that it was their decision whether or not to contribute. I did not personally collect any checks and never actually saw the contributions. I was not informed of who did or did not contribute or the amount of any contribution (unless an individual may have offered such information to me). My only knowledge of who contributed was through receipt of the Complaint in this matter.

5. I was not reimbursed or rewarded for my contribution by the corporation. Those who decided not to contribute were not penalized in any way, nor was there any reward or reimbursement for those who contributed.

6. I understand that a number of checks were delivered to my office, and that the Gormley committee collected those checks by messenger in the latter part of March 2000. I believe that some contributors sent their checks to the Gormley Committee through the mail. Because I made no record of any contributions, nor did I collect any contributions, I do not know how many were mailed and how many were left at my office.

7. My fundraising was done by word of mouth, and I estimate that I spent no more than ten minutes on the effort.

8. No representative of the corporation asked me to raise funds for Mr. Gormley.

I declare, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information and belief.

February \_\_\_\_, 2002



Herbert Wolfe

## STATEMENT OF DESIGNATION OF COUNSEL

MUR 5020

NAME OF COUNSEL: Jack Gorny, Esquire and Louis Fryman, Esquire

FIRM: Fox, Rothschild, O'Brien & Frankel

ADDRESS: 1300 Atlantic Avenue, Suite 500

Atlantic City, NJ 08401

TELEPHONE: ( 609 ) 572-2203

FAX: ( 609 ) 348-6834

The above-named individual is hereby designated as my counsel  
and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

2/1/02  
Date

  
Signature

RESPONDENT'S NAME: Herbert Wolfe

ADDRESS: 12 Cavesson Drive

Absecon, NJ 08201

TELEPHONE: HOME

BUSINESS(        )